BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

DAVID HOHL, ET AL

Serial No.:

10/008,472

Filed:

November 9, 2001

For:

ALPHANUMERIC KEYPAD

AND DISPLAY SYSTEM AND

METHOD

Examiner:

REGINA LIANG

Group Art Unit:

2674

Docket No.

LSI0113/US

(Formerly LIFE-052)

Mail Stop 16 US Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

I CERTIFY THAT, ON JANUARY 2006, THIS PAPER IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE US PATENT & TRADEMARK OFFICE,

REQUEST FOR REFUND

Dear Sir or Madam:

On December 6, 2005, we filed a Supplemental Information Disclosure Statement for the above-captioned matter. Subsequently our Deposit Account 50-1775 was charged a fee of \$180.00. We believe that this charge was made in error.

Under 37 C.F.R.§ 1.97(e)(1), I hereby certify that each item of information contained in the Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement. A copy of the Austrian Written Opinion dated September 23, 2005 is attached for your reference. This is less than three (3) months prior to the filing of the Statement.

We respectfully request the fee of \$180.00 be credited to our Deposit Account No. 50-1775.

Respectfully Submitted,

Dated: January 11, 2006

James V. Lilly, Reg. No. 27,817

KAMAN BINDER, PLIC Customer No. 33072
Phone: 651-275-9844
Suite 200, MAPLE Island Facsimile: 651-351-2954
Building
Stillwater mn 55082

23337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

DAVID HOHL, ET AL

Serial No.:

10/008,472

Filed: For:

November 9, 2001

ALPHANUMERIC KEYPAD AND DISPLAY SYSTEM AND

METHOD

Examiner:

REGINA LIANG

Group Art Unit: 2674

Docket No.

LSI0113/US

(Formerly LIFE-052)

Mail Stop: Amendment

US Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

I CERTIFY THAT, ON ACCUMALLY , 2005, THIS PAPER IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE US PATENT & TRADEMARK

Office, Alexandria, V.A, 22313-1450.

Mary C. Deutsch

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir/Madam:

Pursuant to the duty of disclosure imposed by 37 C.F.R. § 1.56 and in accordance with the provisions of 37 C.F.R. §§ 1.97, 1.98 and the Manual of Patent Examining Procedure 609, Applicants bring to the attention of the Examiner the following information. The Examiner's independent and thorough review of this information is solicited.

Attached hereto please find Form PTO-1449 listing the cited references. Copies of the cited references are also enclosed. The Examiner is requested to indicate consideration of each reference by initialing in the appropriate box for each reference, and returning an initialed copy with the next Official Action.

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.56 to bring to the Examiner's attention those references which may be material to the Examiner for examination of this case. However, the citation of the above references in this Supplemental Information Disclosure Statement is not intended to constitute an admission that any patent or other reference referred to herein is "prior art" for this invention. In this regard, Applicantsexpressly reserve the right to contest that any of the references constitute "prior art."

Serial No. 10/008,472 Page 2

Under 37 C.F.R.§ 1.97(e)(1), I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Accordingly, no fee is believed to be necessary for the consideration of this Supplemental Information Disclosure Statement. However, if any fee is determined to be required, please charge the appropriate fee to the Kagan Binder Deposit Account No. 50-1775 and notify us of the same.

Respectfully Submitted,

Dated: December 6, 2005

James V. Lilly, Reg. No. 27,817

Customer No. 33072 Phone: (651) 275-9844 Fax: (651) 351-2954

22565

INFORMATION DISCLOSURE STATEMENT BY APPLICANT INFORMATION DISCLOSURE STATEMENT BY APPLICANT INFORMATION DISCLOSURE DAVID HOHL, ET AL Filing Date November 9, 2001 ICAN I	Form P1	O-144	9 U.S. Departme Patent and Tra	nt of Commerce	e	Atty. I	Docket No).	Sei	ial No.
INFORMATION DISCLOSURE STATEMENT BY APPLICANT DAVID HOHL, ET AL Filing Date Filing Date November 9, 2001 Class Subclass Filing Date If Appropriate U.S. PATENT DOCUMENTS Examiner Initial Document Number Date Name Class Subclass Filing Date If Appropriate FOREIGN PATENT DOCUMENTS Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/7/1746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005	- and Hademark Office						1 8101137118		10/009 472	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Filing Date November 9, 2001 U.S. PATENT DOCUMENTS Examiner Initial Document Number Date Name Class Subclass Filing Date If Appropriate FOREIGN PATENT DOCUMENTS Name Document Number FOREIGN PATENT DOCUMENTS Name Document Number FOREIGN PATENT DOCUMENTS Name OB 2242047 Date Nountry Class Subclass Translation Yes/No WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005										
STATEMENT BY APPLICANT DAVID HOHL, ET AL Filing Date Group			INFORMATION	DISCLOSUR	Œ					
Examiner Initial Document Number Date Name Class Subclass Filing Date If Appropriate If Appropri			STATEMENT B	Y APPLICAN	IT			, ET A	L	
Examiner Initial Document Number Date Name Class Subclass Filing Date If Appropriate If If Appropriate If Appropriate If Appropriate If If If Appropriate If	-					Filing	Date		Gro	пр
FOREIGN PATENT DOCUMENTS Name Document Number FOREIGN PATENT DOCUMENTS Name Document Number Date Class Subclass Filing Date If Appropriate FOREIGN PATENT DOCUMENTS Name Document Number GB 2242047 GB 2242047 WO 01/71746 2/72/2001 WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005				-		Novem	iber 9, 200)1	267	4
Number	Year and	, -	·	U.S. PATE	NT DOCUM	MENTS				
FOREIGN PATENT DOCUMENTS Name Document Number Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005				Date	Nam			Subc	lass	
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						-	 	†		11 Propropriate
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		-	 							
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		 	 					1		
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		-	ļ							
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		+		 						
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		┼─-		 						
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		+-]	
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		┼		 					[
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		 		 						,
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	***************************************			 					_	• •
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		 							 ↓	•
Name Document Number Date Country Class Subclass Translation Yes/No GB 2242047 12/3/1991 UK WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section of the considered whether a section of the country of the country Class Subclass Translation Yes/No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)										<u> </u>
Name Document Number Date Country Class Subclass Translation Yes/No WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a second in the secon				OREIGN PAT	ENT DOC	MENT				
Number Yes/No Y	Nan	ne	Document					C. L.		T
WO 01/71746 2/22/2001 PCT WO 99/37025 9/30/1998 PCT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section is a section of the considered whether a section of				1	Court	4,9	Class	Supe	ass.	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section is a second of the s	 				UK		 			I es/No
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) 3 pgs Austrian Written Opinion dated 9/23/2005 CAMINER: Initial if citation considered whether a section is a second of the	 		WO 01/71746		PCT					
AMINER: Initial if citation considered whether an activities	 	-	WU 99/37025	9/30/1998	PCT					
AMINER: Initial if citation considered whether an activities	 			 						
AMINER: Initial if citation considered whether an activities	·	1					<u></u>			
AMINER: Initial if citation considered whether an activities		07	THER DOCUMENT	TS (Including A	outhor Title	Doto T)ami			
AMINER: Initial if citation considered whether a second size in the se		3 pgs	Austrian Written C	pinion dated 9/2	3/2005	, Date, F	erunent P	ages, E	tc.)	
AMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line ough citation if not in conformance and not considered. Include copy of this form with next communication to			1							
ough citation it not in conformance and not considered. Include copy of this form with next communication to	KAMINER	Initia	l if citation considere	d, whether or not	citation is in	conform	ance with	MPEP 6)9· Љ	raw line
	rougn citati	on if n	ot in conformance and	l not considered.	Include copy	y of this f	orm with n	ext com	munic	cation to

and some and the source of the



Austrian Patent Office Service and Information Center (TRF)

		Dresdner Str A - 1200 Wie Austria	=		
То		Tel.No.: ++431/53424/0 Fax.No.: ++431/53424/520			
INTELLECTUAL PROPERTY OFFI	CE	1 4.7.7 1.7.			
OF SINGAPORE					
51 Bras Basah Road #04-01 · · Plaza By The Park		Date of			
SINGAPORE 189554		Date of mailing: 22, Sop. 2865			
SINGALORE 107334					
Applicant		···			
LIFESCAN, INC. (US)			•		
Application No.	Filing Date	· · · · · · · · · · · · · · · · · · ·	(Earliest) Priority Date		
200206742-9	7 November 2002 (07.11.2002)		9 November 3001 709 11.2001)		
International Patent Classification (IPC')		3/023	RECEIVED FI		
			intellection F3		
Please find enclosed the	SEARCH REPO	RT	Property and Property and Property and Simple Country and Simple Property and Simple P		
	EXAMINATION	REPORT			
X	2. WRITTEN OP	INION			
provided by the Austrian Patent Office Understanding between the Governme	e as Search and Exami ent of Singapore and the	ination Authority ac he Austrian Patent C	cording to the Memorandum of Office (MOU)		
			Best regards		
AUSTRIAN PATENT OF Service and Information Sector TRF		Dr. Koller			
Enclosures:					
the search report	•		+		
(it is also accompanied by a copy of each prior art document cited in the report)					
the examination re	port				
the 2. written opin	-				
<u> </u>	y of the priority applic	cation			
•					

Austrian Patent Office

Application No. 200206742-9	Applicant: LIFESCAN, INC. (US)
Filing date 7 November 2002 (07.11.2002)	(Earliest) Priority Date 9 November 2001 (09.11.2001)

GENERAL OBSERVATIONS

■ Unity of invention is given.

Consequently, all parts of the application were the subject of examination in establishing this report.

Basis of the opinion:

The 2. written opinion has been drawn on the basis of the application as transmitted with the request; and in consideration of the response to the written opinion dated 24.08.2005; and in consideration of the search report prepared by the Austrian Patent Office, dated 14.12.2004.

■ The Applicant is thereby INVITED TO REPLY to this opinion within 5 months from the date of the Registrar's letter enclosing the written opinion.

HOW? By submitting a written reply, accompanied where appropriate, by the amendments.

IF NO REPLY IS TRANSMITTED, the examination report will be established on the basis of this written opinion. The Applicant's attention is drawn to the fact that a later submission will be considered not to have been made and will therefore not be taken into account.

AUSTRIAN PATENT OFFICE Dresdner Straße 87, A-1200 VIENNA Facsimile No. ++431/53424/535	Authorized Officer MIHATSEK R.
	Telephone No. ++431/53424/ 571
FSG003 (4/2002) GENERAL OBSERVATIONS Page 1	



☐ EXAMINATION REPORT 2. WRITTEN OPINION

Application No. 200206742-9

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Date of actual completion of the report / opinion: 31 August 2005 (31.08.2005)

1. STATEMENT

Novelty (N)

YES Claims 4-9

NO Claims 1-3,10-12

Inventive step (IS)

YES Claims 4-9

NO Claims 1-3,10-12

Industrial applicability (IA)

YES Claims 1-12

NO Claims ----

2. CITATIONS AND EXPLANATIONS

The following documents have been cited in the Search Report:

D1: EP 0397164 B1

D2: GB 2242047 A

D3: WO 01/71746 A1

D4: WO 99/37025 A1.

The written arguments filed in reply to the Written Opinion do not produce a sufficient differentiation to justify novelty respectively inventive step over the prior art cited.

Even after reconsideration no patentable difference could be found especially between the teaching of documents D1 and the present features of claims 1-3 and 10-12.

In contrast to the applicants opinion document D1 discloses essential features of said claims, namely a keypad structure comprising first and a plurality of second keys, first key provided with primary and secondary alphanumeric characters, the later characters being operable upon actuation for selectively display said characters in association of one of the second keys.

It might be true that the present application is aiming and achieving selection of the keys different from the art cited art, however the crucial thing are the presently recited features of the claims and exactly said features, as already stated in the former written opinion, are disclosed in document D1.

Moreover, the applicants' attention is drawn to the fact that especially claims 1 and 10 are of a very general manner. Therefore, lots of documents could be considered a bar as to novelty and inventiveness.

Therefore, the arguments concerning anticipation of claims 1-3 and 10-12, as pointed out in the former Written Opinion still have to be maintained.

It is recommended to express an inventive difference over the cited documents in technical features of a new specification which delimits the application in more concrete terms.

This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

□ BLACK BORDERS
IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
FADED TEXT OR DRAWING
☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
☐ SKEWED/SLANTED IMAGES
☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
GRAY SCALE DOCUMENTS
LINES OR MARKS ON ORIGINAL DOCUMENT
☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
OTHER:

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.